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United States Supreme Court.

HARVEY STEEL COMPANY,
Plaintiff-Appellee,

vs.

UNITED STATES,
Defendant-Appellant.

APPEAL FROM THE COURT OF CLAIMS.

MOTION TO ADVANCE.

For the United States.

C. G. Burgoyne, Walker and Centre Streets, N. Y.

UNITED STATES SUPREME COURT.

HARVEY STEEL COMPANY,
Plaintiff-Appellee,

v.

UNITED STATES,
Defendant-Appellant.

Appeal from the Court of Claims.

And now comes the appellant and moves the Court to advance the above entitled cause for hearing on a date at the next term, as early as may be convenient and proper under the rules of the Court.

In support of said motion it is respectfully shown:

The suit is one in which the United States is the sole party defendant, and involves or affects a matter of general public interest, and the obligations of the Government under a number of contracts for the supply of armor for vessels of war.

The appeal herein is from a judgment of the Court of Claims in favor of the Harvey Steel Company for the sum of $60,806.45 for the royalty due under a written contract between the Harvey Steel Company and the United States, dated April 12, 1893, which licensed the Government to use the Harvey process of manufacturing face-hardened armor, and provided for the payment of royalty at the rate of one-half of one cent per pound for the finished plates delivered to the Government. The amount of royalty involved in this suit was that due on the armor for the battleships

" Kearsarge " and " Kentucky ", which were supplied with such armor in 1896.

Since that time a number of other battleships have been equipped with the same kind of armor. Another suit is now pending in the Court of Claims for such subsequent royalties.

A number of other vessels are contemplated and are expected to be supplied with the same kind of armor, and an ultimate decision in the present case is therefore highly desirable not only to determine the liability in the present case, but as a precedent for the action of the Government on the question of royalties on armor for all ships subsequent in date to the " Kearsarge " and " Kentucky."

If the hearing of this cause is not advanced, a large amount of testimony will have to be taken in the subsequent suit or suits, and the parties will be put to an unnecessary and burdensome expense.

Leave is therefore asked to have the case advanced for hearing out of its order on the calendar.

Henry M. Hoyt,

Solicitor General.

I concur in the above application.

Frederic H. Betts,

Of Counsel for the Appellee.